

EXHIBIT J

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE: BIOMET M2a-MAGNUM)
HIP IMPLANT PRODUCTS)
LIABILITY LITIGATION)
(MDL 2391),)
) Case No. 3:12-MD-2391

THIS DOCUMENT APPLIES TO
ALL CASES

CONFIDENTIAL VIDEOTAPED DEPOSITION:

As Given Through

JEFF GLOCK

The videotaped deposition upon oral examination of JEFF GLOCK, a witness produced and sworn before me, Tina M. Heideman, CSR, Notary Public in and for the County of Porter, State of Indiana, taken on behalf of the Plaintiffs at LaDue, Curran & Kuehn, 205 W. Jefferson Boulevard, South Bend, Indiana, on Thursday, June 30, 2016, at 9:18 a.m., pursuant to the Federal Rules of Civil Procedure.

* * * * *

APPEARANCES

FOR THE PLAINTIFFS:

JUSTIN PRESNAL, ESQ.
FISHER BOYD JOHNSON & HUGUENARD LLP
2777 Allen Parkway, 14th Floor
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FOR BIOMET:

TRENT J. SANDIFUR, ESQ.
TAFT STETTINIUS & HOLLISTER LLP
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Indianapolis, Indiana 46204
tsandifur@taftlaw.com

ALSO PRESENT:

David Dominiak, Videographer

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1 MR. SANDIFUR: Objection, form.
 2 THE WITNESS:
 3 A. Yeah. And when you showed me those three, if you
 4 look -- and I'm sure you have access to them -- we
 5 had over 40 that we were tracking clinical results
 6 from different studies around the world -- it had
 7 nothing to do with us -- to track those Magnum
 8 results to make sure that we were, like you said,
 9 being up front and honest about what is going on
 10 with our products.
 11 MR. PRESNAL:
 12 Q. But that is the FDA study for clinical success of
 13 the taper, the FDA study for clinical success of
 14 the M2a-38, the FDA study for clinical success of
 15 the M2a-Magnum, right?
 16 A. Right. And that's when -- I'm not in the clinical
 17 department. I don't run that area. So that's
 18 something that would be -- need to be asked, I
 19 think, of the clinical department.
 20 Q. You're talking about studies that might be done at,
 21 say, Dr. Lombardi's facility where you get him to
 22 do the clinical followup and publish papers, right?
 23 A. Well, that in conjunction with the Australian
 24 registry, you know, the different registries around
 25 the world that are totally -- they have nothing to

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1 do with us. I think you need a combination of
 2 both. Yes, would Lombardi do things -- studies
 3 like that, yes.
 4 Q. We haven't talked about -- we haven't talked about
 5 registries, but they do contain important data,
 6 don't they?
 7 A. Yes.
 8 Q. And the term clinical studies could describe a
 9 number of different things. These types are ones
 10 that are reported and sort of, you know, I guess,
 11 for lack of a better term, official by the FDA,
 12 right?
 13 MR. SANDIFUR: Objection, form.
 14 THE WITNESS:
 15 A. Yes.
 16 MR. PRESNAL:
 17 Q. But there are others that are done sort of -- I'll
 18 use the term privately. A Biomet surgeon might
 19 decide on his or her own to follow a cohort of
 20 patients and report on the success rate of that
 21 particular device, right?
 22 A. And that happens with all companies, all --
 23 Q. They don't have to get your approval to do that?
 24 A. No.
 25 Q. Some of them do, right?

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1 A. Yeah. Most of them don't. But --
 2 Q. Some of them are compensated by you to do it?
 3 A. Some can be compensated, yes --
 4 Q. Right.
 5 A. -- not all, but some can, yes.
 6 Q. Or some can go do it on their own?
 7 A. Yes.
 8 Q. And if they can get a paper published, then it gets
 9 published, and people have access to that
 10 information, right?
 11 A. Yes.
 12 Q. But if they wanted to go look and see what the FDA
 13 clinical trials website says about it, at least
 14 from these three that I showed you, there's no data
 15 available to anybody who wants to know?
 16 MR. SANDIFUR: Objection, form.
 17 THE WITNESS:
 18 A. And I'm not aware -- that's -- that's the first
 19 I've seen those. So again, I'm not in the clinical
 20 department. So that would be a question for them.
 21 MR. PRESNAL:
 22 Q. Has Mary Lou Retton's hip been revised?
 23 A. I don't know.
 24 Q. Have you heard anything?
 25 A. I've heard.

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1 MR. SANDIFUR: Objection, form.
 2 MR. PRESNAL:
 3 Q. What have you heard?
 4 MR. SANDIFUR: Objection, form.
 5 THE WITNESS:
 6 A. I mean, you know, in our industry, it's -- but I
 7 don't know that 100 percent, and that's why I don't
 8 say it. But, yeah, we do hear, obviously, you
 9 know --
 10 MR. PRESNAL:
 11 Q. You've heard that she's been revised?
 12 A. I've heard that, but I don't -- I can't verify that
 13 at all.
 14 Q. I understand.
 15 A. And I don't want to speculate on her, you know --
 16 on her being, you know --
 17 Q. Fair enough. You gave me an honest answer.
 18 A. Yep.
 19 Q. And I appreciate that.
 20 A. Yep.
 21 Q. I won't hold it as a fact, but I appreciate you
 22 acknowledging to me that the rumor in the industry
 23 is that she's had it revised.
 24 Exhibit 9 that we talked about earlier, that
 25 was the -- the Mary Lou bio on the Biomet website.

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1 Do you remember that one?

2 A. Yes.

3 Q. And remember, this is the one we talked about --

4 the earlier ad specifically references the fact

5 that she got an M2a-Magnum hip, right?

6 A. Right.

7 Q. This bio at least as of April 11th, 2016 does not

8 specify the type of hip implant that she received,

9 correct?

10 A. Correct.

11 MR. PRESNAL: Am I on 30 now?

12 THE REPORTER: Yeah.

13 MR. PRESNAL:

14 Q. This is a document that I printed off the Biomet

15 website this morning, the same --

16 MR. SANDIFUR: The last one was 30.

17 MR. PRESNAL: Oh.

18 THE REPORTER: Exhibit 31. Sorry.

19 MR. SANDIFUR: No, no problem.

20 MR. PRESNAL: Oh. It wasn't my fault that

21 time. I was tricked. 31. I'm glad you're keeping

22 up with it.

23 Q. Okay. Exhibit 31, excuse me, is a document I

24 printed off the Biomet website this morning. And

25 if you see -- if you compare Exhibit 9, the URL,

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1 the internet address at the bottom of 9, to

2 Exhibit 31 -- do you see down there?

3 A. Uh-huh.

4 Q. It now says that -- no content found. Were you

5 involved in the decision to remove

6 Mary Lou Retton's biography from the website?

7 A. No.

8 Q. Did you know it had been removed?

9 A. No.

10 Q. What was the exhibit for the -- the marketing

11 company portfolio? Remember the one --

12 A. Yeah.

13 Q. -- that B&Y company? That's it. No, that's not

14 it.

15 MR. SANDIFUR: It's 11.

16 THE WITNESS: 11?

17 MR. PRESNAL:

18 Q. Yeah. It looks like that (indicating) at the top.

19 A. There you go.

20 Q. There you go. Okay. Exhibit 11.

21 MR. PRESNAL: What am I on now, 32?

22 THE REPORTER: Yes.

23 MR. PRESNAL:

24 Q. Exhibit 32 I will represent to you is -- and you

25 can compare it to Exhibit 11 -- the exact same web

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1 address as the B&Y portfolio that was printed some

2 time ago. It's gone now. Did you know about that?

3 A. I did not.

4 Q. So I can assume then you were not involved in any

5 decision to tell them to remove it from their

6 website or anything like that?

7 A. No.

8 MR. PRESNAL: Mr. Glock, I don't think I have

9 any more questions for you today. I appreciate

10 your time, your honesty, and your candor.

11 THE WITNESS: Thank you. I appreciate it.

12 MR. SANDIFUR: No questions.

13 THE VIDEOGRAPHER: Going off the record, the

14 conclusion of the videotaped deposition of

15 Mr. Jeff Glock at 2:27 p.m.

16 THE REPORTER: Signature?

17 MR. PRESNAL: Does he want to review and sign?

18 MR. SANDIFUR: Yes.

19 (The deposition concluded at 2:27 p.m.)

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1 STATE OF INDIANA)

2)

3 COUNTY OF PORTER)

4

5 I, Tina M. Heideman, CSR, a Notary Public in

6 and for said county and state, do hereby certify that

7 the deponent herein, JEFF GLOCK, was by me first duly

8 sworn to tell the truth, the whole truth, and nothing

9 but the truth in the aforementioned matter;

10 That the foregoing deposition was taken on

11 behalf of the Plaintiffs; that said deposition was

12 taken at the time and place heretofore mentioned

13 between 9:18 a.m. and 2:27 p.m.;

14 That said deposition was taken down in

15 stenograph notes and afterwards reduced to typewriting

16 under my direction; and that the typewritten

17 transcript is a true record of the testimony given by

18 said deponent;

19 And thereafter presented to said witness for

20 signature; that this certificate does not purport to

21 acknowledge or verify the signature hereto of the

22 deponent.

23 I do further certify that I am a disinterested

24 person in this cause of action; that I am not a

25 relative of the attorneys for any of the parties.

IN WITNESS WHEREOF, I have hereunto set my